

Exhibit 2

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FISHER, LEV vs. NAVIENT SOLUTIONS LLC

8/29/2018

Cause: 201835034

CDI: 7

Court: 133

DOCUMENTS

Number	Document	Post Jdgm	Date	Pgs
80157051	Case Information Sheet		05/31/2018	2
80157052	Civil Process Request		05/31/2018	2
80090139	Plaintiff's Original Petition for Declaratory Judgment		05/24/2018	4
-> 80090141	Exhibit A		05/24/2018	2

NO. _____

LEV FISHER

§

IN THE DISTRICT COURT

§

Plaintiff,

§

§

v.

§

_____ JUDICIAL DISTRICT

§

NAVIENT SOLUTIONS, LLC

§

§

Defendant.

§

HARRIS COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION FOR
DECLARATORY JUDGMENT**

Plaintiff, Lev Fisher, files this original petition for declaratory judgment and request for disclosure against Defendant, Navient Solutions, LLC, and alleges as follows:

DISCOVERY-CONTROL PLAN

1. Plaintiff intends to conduct discovery under Level 2 of Texas Rule of Civil Procedure 190.3.

CLAIM FOR RELIEF

2. Plaintiff seeks monetary relief of \$100,000 or less and nonmonetary relief.

PARTIES

3. Plaintiff, LEV FISHER ("Plaintiff" or "Mr. Fisher"), an individual, is a resident of Harris County, Texas. The last three digits of his Social Security Number are 557. The last three digits of his Texas Driver's License are 196.

4. Defendant, NAVIENT SOLUTIONS, LLC ("Defendant" or "Navient"), a company based in Wilmington, Delaware, is organized under the laws of the State of Delaware, and service of process on the Defendant may be effected pursuant to sections 5.201 and 5.255 of the Texas Business Organizations Code, by serving the registered agent of the corporation, CSC-Lawyers Incorporating Service Company at 211 E. 7th Street, Suite 620, Austin, TX 78701-4234 USA, via

personal service.

JURISDICTION

5. The Court has jurisdiction over the lawsuit because the amount in controversy exceeds this Court's minimum jurisdictional requirements.

VENUE

6. Venue is proper in Harris County under Texas Civil Practice & Remedies Code §15.002 because all or a substantial part of the events or omissions giving rise to the claim occurred in this county .

FACTS

7. On many occasions since November 20, 1994, Navient collected and continues to collect payments on loan and interest amounts from Mr. Fisher, including loans designated as G-31 (original amount: \$2,500), G-32 (original amount: \$1,554), and S-33 (original amount: \$1,813). The interest that Navient alleges accrued on the loans far exceeds the original amounts. Navient claims that Mr. Fisher owes these debts to Navient, and Mr. Fisher has paid some of the loan and interest amounts to Navient. However, Mr. Fisher recently discovered that Navient does not own the loans listed above for which it has collected and continues to try to collect from Mr. Fisher. Upon request by Mr. Fisher on December 22, 2017, Navient was unable to provide any documentation showing its ownership of these loans. (See emails attached as Exhibit A).

COUNT 1 – SUIT FOR DECLARATORY RELIEF

8. Navient cannot provide sufficient documentation, including promissory notes, showing that it is entitled to collect these loans and their interest from Mr. Fisher. No contract exists between Navient and Mr. Fisher that requires Mr. Fisher to pay the amounts demanded by Navient.

9. Attorney Fees. Plaintiff is entitled to recover reasonable and necessary attorney fees that are equitable and just under Texas Civil Practice & Remedies Code section 37.009 because this is a suit for declaratory relief.

JURY DEMAND

10. Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

CONDITIONS PRECEDENT

11. All conditions precedent to Plaintiff's claim for relief have been performed or have occurred.

REQUEST FOR DISCLOSURE

12. Under Texas Rule of Civil Procedure 194, Plaintiff requests that defendant disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

OBJECTION TO ASSOCIATE JUDGE

13. Plaintiff objects to the referral of this case to an associate judge for hearing a trial on the merits or presiding at a jury trial.

PRAYER

14. For these reasons, Plaintiff asks that defendant be cited to appear and answer and that the Court declare that Mr. Fisher does not owe any monetary amount to Navient for the loans designated G-31 (original amount: \$2,500), G-32 (original amount: \$1,554), and S-33 (original amount: \$1,813), and that Navient refund Mr. Fisher any payments he made on these loans. In addition, Plaintiff asks for the following damages:

- a. Actual damages.
- b. Prejudgment and postjudgment interest.
- c. Court costs.

- d. Attorney fees.
- e. All other relief to which Plaintiff is entitled.

Respectfully submitted,

BELL ROSE & COBOS

By: /s/ Harrison Royalty

Harrison Royalty

Texas Bar No. 24100679

Email: Harrison@bellroselaw.com

Chris Bell

Texas Bar No. 0078363

Email: Chris@bellroselaw.com

2201 Hermann Drive

Houston, Texas 77004

Phone: 713-300-5158

Fax: 713-393-7346

Attorneys for Plaintiff



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this August 29, 2018

Certified Document Number: 80090139 Total Pages: 4

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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Secure Fax: (512) 219-4514
David.way@trelliscompany.org

Trellis Company
P.O. Box 83100 | Round Rock, TX | 78683-3100
www.trelliscompany.org

From: Getz, Steven [<mailto:Steven.C.Getz@navient.com>]
Sent: Friday, December 22, 2017 10:22 AM
To: Way, David <David.Way@trelliscompany.org>; Valdez, Beth <Beth.Valdez@trelliscompany.org>
Subject: pnotes on underlying loans

Hi David or Beth

Do you have pnotes on the underlying loans for this consol loan? If so can you send them? They are needed for a borrower request.

Lev Fisher [REDACTED]

Thanks!
Steven Getz
Claims Technical Analyst
Navient
220 Lasley Ave
Wilkes Barre PA 18773-9400
Steven.c.getz@navient.com
570-821-3623 phone
570-821-6558 fax

This E-Mail has been scanned for viruses.

This E-Mail has been scanned for viruses.

Getz, Steven

From: Way, David <David.Way@trelliscompany.org>
Sent: Friday, December 22, 2017 1:35 PM
To: Getz, Steven
Subject: RE: pnotes on underlying loans
Attachments: prom notes Fisher G01-G04.pdf
Categories: Blue Category

--- External Email ---

We only had the prom notes for four of the seven loans consolidated, G01-G04, which are attached. We do not have the notes for the G31 loan \$2,500, the G32 loan \$1,554, or G33 loan \$1,813 since no claims were filed.

David Way

Claims Analyst
Direct Phone: (512) 219-4789
Secure Fax: (512) 219-4514
David.way@trelliscompany.org

Trellis Company
P.O. Box 83100 | Round Rock, TX | 78683-3100
www.trelliscompany.org

From: Getz, Steven [<mailto:Steven.C.Getz@navient.com>]
Sent: Friday, December 22, 2017 11:28 AM
To: Way, David <David.Way@trelliscompany.org>
Subject: RE: pnotes on underlying loans

OK thanks again

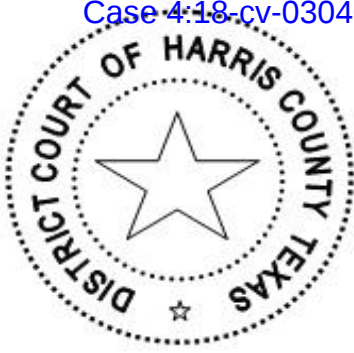
From: Way, David [<mailto:David.Way@trelliscompany.org>]
Sent: Friday, December 22, 2017 12:17 PM
To: Getz, Steven <Steven.C.Getz@navient.com>
Subject: RE: pnotes on underlying loans

--- External Email ---

Looks like we have the prom notes. I had to submit a request from our records retention since they are too old for me to access. Should have them for you today.

David Way

Claims Analyst
Direct Phone: (512) 219-4789



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this August 29, 2018

Certified Document Number: 80090141 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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CIVIL PROCESS REQUEST FORM

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: 201835034 _____ CURRENT COURT: 133rd Civil District Court _____

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Original Petition _____

FILE DATE OF MOTION: 05/24/2018 _____
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Navient Solutions, LLC

ADDRESS: 211 E. 7th Street, Suite 620, Austin, TX 78701-4234 USA

AGENT, (if applicable): CSC-Lawyers Incorporating Service Company

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): Citation _____

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP ☐ CONSTABLE
☒ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Brian Denmon _____ Phone: _713-291-2114 _
☐ MAIL ☐ CERTIFIED MAIL
☐ PUBLICATION:
Type of Publication: ☐ COURTHOUSE DOOR, or
☐ NEWSPAPER OF YOUR CHOICE: _____
☐ OTHER, explain _____

ATTENTION: Effective June1, 2010

For all Services Provided by the DISTRICT CLERKS OFFICE requiring our office to MAIL something back to the Requesting Party, we require that the Requesting Party provide a Self-Addressed Stamped Envelope with sufficient postage for mail back. Thanks you,

2. NAME: _____

ADDRESS: _____

AGENT, (if applicable): _____

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): _____

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP ☐ CONSTABLE
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____
☐ MAIL ☐ CERTIFIED MAIL
☐ PUBLICATION:
Type of Publication: ☐ COURTHOUSE DOOR, or
☐ NEWSPAPER OF YOUR CHOICE: _____
☐ OTHER, explain _____

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: _____ Harrison Royalty _____ TEXAS BAR NO./ID NO. 24100679 _____

MAILING ADDRESS: 2201 Hermann Drive, Houston, Texas 77004 _____

PHONE NUMBER: 713 _____ 300-5158 _____ FAX NUMBER: 713 _____ 393-7346 _____
area code phone number area code fax number

SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE.

SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

ORIGINAL PETITION

_____ AMENDED PETITION
_____ SUPPLEMENTAL PETITION

COUNTERCLAIM

_____ AMENDED COUNTERCLAIM
_____ SUPPLEMENTAL COUNTERCLAIM

CROSS-ACTION:

_____ AMENDED CROSS-ACTION
_____ SUPPLEMENTAL CROSS-ACTION

THIRD-PARTY PETITION:

_____ AMENDED THIRD-PARTY PETITION
_____ SUPPLEMENTAL THIRD-PARTY PETITION

INTERVENTION:

_____ AMENDED INTERVENTION
_____ SUPPLEMENTAL INTERVENTION

INTERPLEADER

_____ AMENDED INTERPLEADER
_____ SUPPLEMENTAL INTERPLEADER

INJUNCTION**MOTION TO MODIFY****SHOW CAUSE ORDER****TEMPORARY RESTRAINING ORDER****BILL OF DISCOVERY:**

ORDER TO: _____
(specify)

MOTION TO: _____
(specify)

PROCESS TYPES:**NON WRIT:**

CITATION
ALIAS CITATION
PLURIES CITATION
SECRETARY OF STATE CITATION
COMMISSIONER OF INSURANCE
HIGHWAY COMMISSIONER
CITATION BY PUBLICATION
NOTICE
SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)
RULE 106 SERVICE

SUBPOENA**WRITS:**

ATTACHMENT (PROPERTY)
ATTACHMENT (WITNESS)
ATTACHMENT (PERSON)

CERTIORARI

EXECUTION
EXECUTION AND ORDER OF SALE

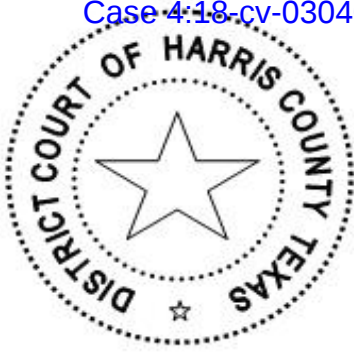
GARNISHMENT BEFORE JUDGMENT
GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS
INJUNCTION
TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)
PROTECTIVE ORDER (CIVIL CODE)

POSSESSION (PERSON)
POSSESSION (PROPERTY)

SCIRE FACIAS
SEQUESTRATION
SUPERSEDEAS



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this August 29, 2018

Certified Document Number: 80157052 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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CIVIL CASE INFORMATION SHEET

Chris Daniel - District Clerk Harris County

Envelope No. 24966591

By: Jacob Blessing

Filed: 5/31/2018 9:50 AM

CAUSE NUMBER (FOR CLERK USE ONLY):

2018 35034

COURT (FOR CLERK USE ONLY):

133rd

STYLED LEV FISHER V. NAVIENT SOLUTIONS, LLC

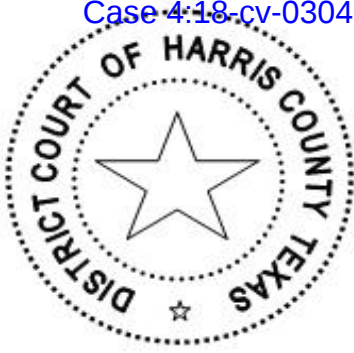
(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: Harrison Royalty Address: 2201 Hermann Drive City/State/Zip: Houston, Texas, 77004 Signature: <i>HR</i> Email: harrison@bellroselaw.com Telephone: 713-300-5158 Fax: 713-393-7346 State Bar No: 24100679		Names of parties in case: Plaintiff(s)/Petitioner(s): Lev Fisher Defendant(s)/Respondent(s): Navient Solutions, LLC [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____					
2. Indicate case type, or identify the most important issue in the case (select only 1):									
Civil			Family Law						
Contract <input type="checkbox"/> Debt/Contract <input checked="" type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:		Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:		Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:		Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:		Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Paternity/Parentage <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:							
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:							
3. Indicate procedure or remedy, if applicable (may select more than 1):									
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input checked="" type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover					
4. Indicate damages sought (do not select if it is a family law case):									

- ☐ Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees
- ☒ Less than \$100,000 and non-monetary relief
- ☐ Over \$100,000 but not more than \$200,000
- ☐ Over \$200,000 but not more than \$1,000,000
- ☐ Over \$1,000,000

Rev 2/13



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
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